

SERVED: August 31, 2006

NTSB Order No. EA-5247

UNITED STATES OF AMERICA  
**NATIONAL TRANSPORTATION SAFETY BOARD**  
WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. 800.24)  
on the 31<sup>st</sup> day of August, 2006

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PETITION OF )

DONALD HOLLADAY )

for review of the denial by )  
the Administrator of the )  
Federal Aviation Administration )  
of the issuance of an airman )  
medical certificate. )

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Docket SM-4689

**ORDER DISMISSING APPEAL**

On June 8, 2006, petitioner, through counsel, filed a notice of appeal from the law judge's May 30, 2006 written initial decision.<sup>1</sup> However, petitioner did not subsequently file a timely appeal brief,<sup>2</sup> and has not provided good cause for this failure. His appeal is therefore subject to dismissal under

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<sup>1</sup> The law judge dismissed petitioner's petition for review of the denial by the Administrator of the issuance of an airman medical certificate due to noncompliance with the Administrator's discovery request.

<sup>2</sup> Petitioner's appeal brief was due no later than June 29, 2006.

Section 821.48(a) of the Board's Rules of Practice (49 C.F.R. Part 821).<sup>3</sup>

In the absence of good cause to excuse petitioner's failure either to perfect his appeal by filing a timely appeal brief or to submit a timely extension request for filing the brief beyond the deadline, dismissal of his appeal is required by Board precedent and policy. See Administrator v. Hooper, 6 NTSB 559 (1988).

**ACCORDINGLY, IT IS ORDERED THAT:**

Petitioner's appeal is dismissed.

Gary L. Halbert  
General Counsel

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<sup>3</sup> Section 821.48(a) provides as follows:

§ 821.48(a) **Briefs and oral argument.**

(a) Appeal brief....each appeal must be perfected, within 50 days after the date on which the oral initial decision was rendered, or 30 days after the date on which the written initial decision or appealable order was served, by the filing, and simultaneous service on the other parties, of a brief in support of the appeal. An appeal may be dismissed by the Board, either on its own initiative or on motion of another party, where a party who has filed a notice of appeal fails to perfect the appeal by filing a timely appeal brief.